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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/404,114	03/14/95	TAPP	H 19274-0103

BAKER & BOTTS
2001 ROSS AVENUE
DALLAS TX 75201-2980

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DIN, LEXAMINER	
ART UNIT	PAPER NUMBER
2615	6

DATE MAILED:

08/08/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.

08/404,114

Applicant(s)

Tapp

Examiner

Luanne Din

Group Art Unit

2615



☒ Responsive to communication(s) filed on Mar 14, 1995

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 21-40 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 21-40 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Part III DETAILED ACTION

1. The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent. *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and *In re Goodman*, 29 USPQ2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(b) and (c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 21-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 5,398,057 in view of Rodriguez (4,511,886).

Claims 1-11 of U.S. Patent No. 5,398,057 discloses substantially the same security and surveillance system comprising a television monitor, a video camera, a detector, and a processor. Claims 12-20 of U.S. Patent No. 5,398,057 discloses substantially the same device for monitoring plurality of zones of surveillance comprising a separate detector, a separate video camera, a camera switcher, a processor, and a television monitor.

Although U.S. Patent No. 5,398,057 does not particularly disclose a recording device as specified in claims 21 and 30.

Rodriguez discloses substantially the same electronic security and surveillance system comprising a recorder (FIG. 1,

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recorder 120) wherein the recorded data may be used at a later time.

Therefore, it is considered obvious for one of ordinary skill in the art, having the teaching of using a recorder in a surveillance system where the camera data is recorded for later use as shown in Rodriguze, one can add the recording device of Rodriguze to the design of U.S. Patent No. 5,398,057 so that the events of surveillance can be recorded for later use. Furthermore, the remote controlling of the display monitor has been fully disclosed by U.S. Patent No. 5,398,057. Since the recording device is controlled in the same manner as the display monitor, by adding the same remote controlling function for the recording device is considered obvious.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stults et al. (3,641,266) discloses a surveillance and intrusion detection system.

Cayzac (4,236,180) discloses a monitoring system for monitoring a field.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luanne Din whose telephone number is (703) 306-2743.

LPD
July 26, 1996


TOMMY P. CHIN
SUPERVISORY PATENT EXAMINER
GROUP 2600